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 County of Sacramento

**UNITED STATES DISTRICT COURT-BANKRUPTCY  
 EASTERN DISTRICT OF CALIFORNIA**

IN RE:

GARY GORSKI

Debtor

COUNTY OF SACRAMENTO,

Plaintiff,

vs.

GARY GORSKI; ROBERT HUNTER;  
 HOWARD ELEY; DOUGLAS  
 WHATLEY, TRUSTEE IN  
 BANKRUPTCY for GARY GORSKI;  
 UNITED STATES OF AMERICA through  
 the Internal Revenue Service; COUNTY  
 OF YOLO, Defendants

**Bankruptcy Action No.: 13-33139**

**Chapter No. 7**

**COMPLAINT IN INTERPLEADER**

**Adversary Proc. No.: \_\_\_\_\_**

**I.INTRODUCTION**

1. This Complaint arises from a voluntary petition for bankruptcy filed in the United States Bankruptcy Court, Eastern District of California, by petitioner Gary Gorski. Gorski is an attorney who represented two parties in a previous civil action brought against the County of Sacramento ("County") in the United States District Court, Eastern District of California, *Hunter, et al v. County of Sacramento, et al*, case no. 2:06-cv-00457-GEB. Plaintiffs in the civil action

1 were prevailing parties on a cause of action brought under 42 U.S.C. § 1983, and as a result were  
2 awarded attorney's fees pursuant to 42 U.S.C. § 1988, in the amount of \$197,500.00. Gorski  
3 claims half of the fee award as personal property in the schedules submitted. The bankruptcy  
4 trustee, the Internal Revenue Service and the County of Yolo each claim a competing interest in  
5 the award. The County acknowledges its obligation to pay the award but is exposed to multiple  
6 claims. The County brings this action in interpleader seeking to deposit the funds with the  
7 Bankruptcy Court and allow the court to adjudicate the multiple claimants rights among  
8 themselves after dismissing the County.

9 2. Plaintiff believes and alleges that all causes of action in this Complaint are core  
10 proceedings.

## 11 II. JURISDICTION AND VENUE

12 3. Jurisdiction is proper in this Bankruptcy Court pursuant to FRBP 7022(a)(1) and  
13 28 U.S.C.A. § 1334(a).

14 4. Venue is proper pursuant to 28 U.S.C.A. § 1408.

## 15 III. PARTIES AND FACTUAL ALLEGATIONS

16 5. Plaintiff County of Sacramento is a municipal entity organized under the laws of  
17 the State of California.

18 6. Defendant Gary Gorski is the debtor in this bankruptcy. Gorski has listed a one  
19 half interest in the attorney fee award as an asset in his Amended Schedule B, filed 12/24/15, in  
20 the amount of \$98,500.00 (Docket No. 63.) The basis of that claim is unknown.

21 7. Defendant Robert Hunter was a plaintiff represented by Mr. Gorski in the civil  
22 action giving rise to the fee award at issue in this complaint in interpleader, and entitled to the fee  
23 award by order of the District Court.

24 8. Defendant Howard Eley was a plaintiff represented by Mr. Gorski in the civil  
25 action giving rise to the fee award at issue in this complaint in interpleader, and entitled to the fee  
26 award by order of the District Court.

27 9. Defendant Bankruptcy Trustee Douglas Whatley has been appointed the United  
28 States Trustee to act as trustee for debtor's estate (Docket No. 56.)



1 c. That the County be dismissed from this action, with prejudice, following payment  
2 of the fee award at issue into the registry of the bankruptcy court.

3 d. That the County be awarded its costs and attorney's fees in bringing this action to  
4 be determined by the bankruptcy court and paid out of the proceeds.

5  
6 DATE: January 14, 2014

RANDOLPH CREGGER & CHALFANT LLP

7  
8 /s/ Thomas A. Cregger

THOMAS A. CREGGER

Attorneys for Plaintiffs

COUNTY OF SACRAMENTO